



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/519,071

12/23/2004

Hendricus Franciscus van der Eerden

000023.00122

7470

27557

7590

10/26/2010

BLANK ROME LLP

WATERGATE

600 NEW HAMPSHIRE AVENUE, N.W.

WASHINGTON, DC 20037

EXAMINER

LUK, EMMANUEL S

ART UNIT

PAPER NUMBER

1744

MAIL DATE

DELIVERY MODE

10/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,071	Applicant(s) VAN DER EERDEN ET AL.	
	Examiner EMMANUEL S. LUK	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 131-138 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 131-138 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 131-138 are pending. These claims are newly added by the applicants, previous claims are noted as canceled by the applicants.

Response to Arguments

2. Applicant's arguments filed 7/26/10 have been fully considered but they are not persuasive. The applicants have canceled all the claims and introduced new claims 131-138. The newly added claims are rejected due to the rejection as set forth below. While claims 99-101, 114, and 117 were indicated allowable (and 121 and 122 were objected) in the previous office action, the newly added claims are not allowable due to the Jonovic reference for claims 131, 132, 134, 135 and 137, and further in view of Fay or Vogt for claims 133, 136, and 138.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 131, 132, 134, 135 and 137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonovic (4684040).

Jonovic teaches mold cavities located on the outer circumference of the drum of a molding device, also having a housing 22 with an inlet side and a drum side, along with through passage to allow for mass to pass through, the drum side also having a strap 47 that can bear against the outer circumference of the drum under pressure as a result of the pressure means (by being pressed

Art Unit: 1791

against the drum since the strap is in between the drum and the housing). As seen in Jonovic, the movable rotary volumetric piston dispensers with the working surface 31 located within the cylinders 32 acting as mold cavities. The strap member 47 also having a slot 49 that coincides with the mouth 51 of the manifold assembly 22 thereby allowing materials to be dispensed out into the working surface of the piston. A cutting device is provided in the through passage on the drum side via cut-off assembly, see Col. 8, lines 23-25.

It would have been obvious for one of ordinary skill in the art to recognize the strap member as taught by is equivalent to the flexible plate and both bear against the drum surface.

5. Claim 136 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonovic (4684040) as applied to claim 131 above, and further in view of Fay (4212609).

Jonovic fails to teach a diverter passage.

However, such a passage is well known, particularly as shown in Fay, see Figure 3, wherein the material is also diverted to start filling at an upstream cavity, while the main cavity is being filled, the concept of having the cavities on a drum being filled with the further upstream cavity also being initially filled is well known in the arts. It would have been obvious for one of ordinary skill in the art to modify Jonovic with a diverter passage as shown by Fay for improved efficiency as the materials are formed within the housing as the drum rotates.

Art Unit: 1791

6. Claims 133 and 138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonovic (4684040) as applied to claims 131-135 and 137 above, and further in view of Vogt (3490391).

Jonovic fails to teach the pressure means and positioned with respect to the direction of the rotation of the drum.

Vogt teaches the flange and side walls that allow for the vacuum to be drawn through the pockets and also thereby allows for compressed gases to aid in ejection of the material. As seen in Vogt, the mold cavities on the drums being pocket forming member 31 having inlet 18, passages 32 and passage 34 and a vacuum, see col. 4, line 69, the drawing of the vacuum within the pocket assures filling of the pocket with the product material, see col. 4, lines 74-75. As seen in the pockets, there are side walls that allow for flow to the sides, see Figure 8.

It would have been obvious for one of ordinary skill in the art to modify Jonovic with the mold cavity structure as taught by Vogt to allow for improved filling of the material in the cavity and for ejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

Art Unit: 1791

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL S. LUK whose telephone number is (571)272-1134. The examiner can normally be reached on Monday-Fridays from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogendra N Gupta/
Supervisory Patent Examiner, Art Unit 1791

EL